

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

SOUTHERN DIVISION

JOHNNY DAR EAGLE,

Plaintiff,

File no: 1:08-CV-200

v.

HON. ROBERT HOLMES BELL

MICHIGAN DEPARTMENT OF
CORRECTIONS REGIONAL HEALTH
CARE ADMINISTRATOR,

Defendant.
_____ /

**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

THEREFORE, IT IS ORDERED that:

Plaintiff's complaint is hereby **DISMISSED** for failure to state a claim pursuant to 28 U.S.C. §1915(e)(2) and 1915A(b), and 42 U.S.C. §1997e(c).

IT IS FURTHER ORDERED that this dismissal shall count as a strike for purposes of 28 U.S.C. §1915(g).

IT IS FURTHER ORDERED that the Court finds no good-faith basis for appeal within the meaning of 28 U.S.C. §1915(a)(3). *See McGore v. Wrigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

Date: May 13, 2008

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE